2003 DRAFTING REQUEST

Bill

Received: 09/13/2002				Received By: pkahler Identical to LRB:				
Wanted: Soon								
For: Ad	ministration-B	Budget			By/Representing: Blaine			
This file may be shown to any legislator: NO May Contact:					Drafter: pkahler Addl. Drafters:			
Subject: Public Assistance - med. assist.				Extra Copies:				
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DOA:	Blaine - BB(0002						
Topic:					· · · · · · · · · · · · · · · · · · ·			
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Instruc	tions:							
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Draftin	g History:						· · · · · · · · · · · · · · · · · · ·	
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/?	pkahler 09/16/2002	kgilfoy 09/19/2002					Local	
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FE Sent For:

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Received: 09/13/2002

2003 DRAFTING REQUEST

Received By: pkahler

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Wanted: S	oon				Identical to LRB			
For: Administration-Budget					By/Representing: Blaine			
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DOA:	Blaine -							
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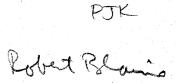
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<**END**>

2003 DRAFTING REQUEST

Bill

Received: 09/13/2002	Received By: pkahler				
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For: Administration-Budget	By/Representing: Blaine				
This file may be shown to any legislator: NO	Drafter: pkahler				
May Contact:	Addl. Drafters:				
Subject: Public Assistance - med. assist.	Extra Copies:				
Submit via email: YES					
Requester's email:					
Carbon copy (CC:) to:					
Pre Topic:					
DOA: Blaine					
Topic:					
Eliminate comprehensive community services as an MA be	nefit				
Instructions:					
See Attached					
Drafting History:					
Vers. <u>Drafted</u> <u>Reviewed</u> <u>Typed</u> <u>Proofe</u>	Submitted Jacketed Required				
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DRAFT

Department of Health and Family Services 2003-2005 Biennial Budget Statutory Language Request June 24, 2002

Comprehensive Community Services

Current Language

S. 49.45(30e) authorizes the Department to offer comprehensive community services (CCS) for individuals with mental illness as a MA benefit if counties agree to pay the non-federal share of the service costs.

Proposed Change

Delete s. 49.45(30e)

Effect of the Change

The change would eliminate CCS as an MA benefit.

Rationale for the Change

The Legislature authorized the Department to offer the CCS benefit in the 1997-1999 biennial budget. CCS programs would be county run programs that provide treatment and services to individuals with mental illness who live in the community. CCS programs would be similar to county Community Support Programs (CSPs), except that CCS would serve individuals with less severe mental illnesses and provide less intensive and less structured services than CSP. The statutes specify that counties must provide funding for the non-federal portion of CCS costs, and therefore, no GPR funding was provided for the benefit.

The Department has postponed implementation of CCS because of the risk of litigation over waiting lists in county CSP programs. The Wisconsin Coalition for Advocacy has contended that CSP waiting lists violate a federal requirement that Medicaid services be delivered with "reasonable promptness." In FY 01, the Coalition indicated that unless the state provided more funding to eliminate CSP waiting lists, it would initiate class action litigation to force the state to eliminate them. In the 2001-2003 biennial budget, the Legislature provided \$1 million GPR per year for counties to address the waiting lists.



If the Department implements the CCS benefit, county CCS programs could eventually develop waiting lists as well, which advocates could argue are illegal. No funding has been budgeted for the Department to address the waiting lists.

Desired Effective Date:

Upon passage

Agency:

DHFS

Agency Contact:

Andy Forsaith

Phone:

266-7684



State of Misconsin 2003 - 2004 LEGISLATURE

LRB-0030/**/** PJK::....

Blaine

DOA:..... Eliminate comprehensive community services as an MA benefit

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

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AN ACT :; relating to: benefits under the medical assistance program.

Analysis by the Legislative Reference Bureau HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, DHFS administers the medical assistance (MA) program under which eligible individuals receive health care services. Mental health and psychological rehabilitative services provided by a community support program to individuals with mental illness who live in the community is a covered benefit under the MA program. The county pays all costs for provides the services that are not paid by the federal government. Also covered, but only if a county elects to offer the services as a benefit, are psychosocial services provided by a community—based psychosocial service program to individuals with less severe mental illness who live in the community. A county that elects to provide the services as a benefit must pay all costs not paid by the federal government.

This bill eliminates psychosocial services provided by a community-based psychosocial service program as a possible benefit under the MA program.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Quest A >>

1 Section

Section 1. 49.45 (30e) of the statutes is repealed.

SECTION 2. 49.46 (2) (b) 6. Lm. of the statutes is repealed.

(END)

, Jo

2003–2004 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

INSERT A

SECTION 1. 49.45 (6t) (intro.) of the statutes is amended to read:

49.45 (6t) COUNTY DEPARTMENT AND LOCAL HEALTH DEPARTMENT OPERATING DEFICIT REDUCTION. (intro.) From the appropriation under s. 20.435 (4) (0), for reduction of operating deficits, as defined under criteria developed by the department, incurred by a county department under s. 46.215, 46.22, 46.23, or 51.42 or by a local health department, as defined in s. 250.01 (4), for services provided under s. 49.46 (2) (a) 4. d. and (b) 6. f., fsu., j., k., and L., and Lm., 9., 15., and 18., for case management services under s. 49.46 (2) (b) 12. and for mental health day treatment services for minors provided under the authorization under 42 USC 1396d (r) (5), the department shall allocate moneys in each fiscal year to these county departments, or local health departments as determined by the department, and shall perform all of the following:

NOTE: NOTE: Sub. (6t)(intro.) is repealed and recreated eff. 7-1-03 by 2001 Wis. Act 16 to read:NOTE:

SECTION #. AM. 49.45 (6+) (intro.), as affected by 3001 Wisconsin Act 16, section 1772,

(6t) County department and local health department operating deficits, as defined under the appropriation under s. 20.435 (4) (0), for reduction of operating deficits, as defined under criteria developed by the department, incurred by a county department under s. 46.215, 46.22, 46.23, or 51.42 or by a local health department, as defined in s. 250.01 (4), for services provided under s. 49.46 (2) (a) 4. d. and (b) 6. f., fm., j., k., and L., and Lm., 9., and 15., for case management services under s. 49.46 (2) (b) 12. and for mental health day treatment services for minors provided under the authorization under 42 USC 1396d (r) (5), the department shall allocate moneys in each fiscal year to these county departments, or local health departments as determined by the department, and shall perform all of the following:

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109.



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2012

SECTION 2. 49.45 (6t) (a) of the statutes is amended to read:

departments or local health departments, estimate the availability of federal medicaid funds that may be matched to county, city, town, or village funds that are expended for costs in excess of reimbursement for services provided under s. 49.46 (2) (a) 4. d. and (b) 6. f., fm., j., k., and L., and Im., 9., 15., and 18., for case management services under s. 49.46 (2) (b) 12. and for mental health day treatment services for minors provided under the authorization under 42 USC 1396d (r) (5).

NOTE: NOTE: Par. (a) is repealed and recreated eff. 7-1-03 by 2001 Wis. Act 16 to read: NOTE:

photograf B

SECTION*. AM, 49.45 (6t) (a), as affected by 2001 Wisconsin Act 16, section 1774,

departments, estimate the availability of federal medicaid funds that may be matched to county, city, town, or village funds that are expended for costs in excess of reimbursement for services provided under s. 49.46 (2) (a) 4. d. and (b) 6. f., fm., j., k., and L., and Lm., 9., and 15., for case management services under s. 49.46 (2) (b) 12. and for mental health day treatment services for minors provided under the authorization under 42 USC 1396d (r) (5).

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(END OF INSERT A)

INSERT B

SECTION 9424. Effective dates; health and family services.

(1) Community based psychosocial services. The treatment of section 49.45

(6t) (intro.) (by SECTION

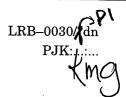
) and (a) (by Section

) of the statutes takes offect on July

1, 2003.

(END OF INSERT B)

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU



Robert:

The drafting request states that DHFS has postponed implementation of ss. 49.45 (30e) and 49.46 (2) (b) 6. Lm. Therefore, I assume no county has elected to provide the benefit and no individual is receiving the treatment or services. If that is correct, it might be a good idea to mention it in the analysis.

Pamela J. Kahler Senior Legislative Attorney Phone: (608) 266–2682

E-mail: pam.kahler@legis.state.wi.us

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-0030/P1dn PJK:kmg:rs

September 19, 2002

Robert:

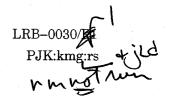
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Pamela J. Kahler Senior Legislative Attorney Phone: (608) 266–2682

E-mail: pam.kahler@legis.state.wi.us



State of Misconsin 2003 - 2004 LEGISLATURE



DOA:..... Blaine – Eliminate comprehensive community services as an MA benefit

FOR 2003-05 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT, relating to: benefits under the medical assistance program.

Analysis by the Legislative Reference Bureau HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, DHFS administers the medical assistance (MA) program under which eligible individuals receive health care services. Mental health and psychological rehabilitative services provided by a community support program to individuals with mental illness who live in the community is a covered benefit under the MA program. The county pays all costs for the services that are not paid by the federal government. Also covered, but only if a county elects to offer the services as a benefit, are psychosocial services provided by a community—based psychosocial service program to individuals with less severe mental illness who live in the community. A county that elects to provide the services as a benefit must pay all costs not paid by the federal government.

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The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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SECTION 2. 49.45 (At) (a) of the statutes, as affected by 2001 Wisconsin Act 16, section 1774, is amended to read:

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SECTION 3. 49.45 (30e) of the statutes is repealed.

SECTION 4. 49.46 (2) (b) 6. Lm. of the statutes is repealed.

(END)

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** * NOTE: This is reconciled A. 49,45 (6+) (intra).
It was removed and its treatment added
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and LRB-1611 p. Both drops should continue to appear in the compile.
continue to organ in the compile.
PJK

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-0030/1dn PJK:jld:rs

February 6, 2003

This draft reconciles LRB–0030 and LRB–1611. Both drafts should continue to appear in the compile.

Pamela J. Kahler Senior Legislative Attorney Phone: (608) 266–2682

E-mail: pam.kahler@legis.state.wi.us



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State of Misconsin 2003 - 2004 LEGISLATURE

LRB-0030/1 PJK:kmg&jld:rs

DOA:..... Blaine – BB0002 Eliminate comprehensive community services as an MA benefit

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

 $\operatorname{AN}\operatorname{ACT}$...; **relating to:** benefits under the medical assistance program.

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****Note: This is reconciled s. 49.45 (6t) (intro.). It was removed and its treatment added to LRB-1611. This section is affected by LRB-0030 and LRB-1611.

 $\tt *****Note:$ This is reconciled s. 49.45 (6t) (a). It was removed and its treatment added to LRB–1611. This section is affected by LRB–0030 and LRB–1611.

- SECTION 1. 49.45 (30e) of the statutes is repealed.
- 2 **Section 2.** 49.46 (2) (b) 6. Lm. of the statutes is repealed.

3 (END)